



W.A(MD)No.1515 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A(MD)No.1515 of 2019
and
C.M.P(MD)No.12064 of 2019**

The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai – 625 002.

... Appellant/3rd Respondent

vs.

1.N.Muthuselvan

... 1st Respondent/Writ Petitioner

2.The Director,
Panchayat Directorate Office,
Ezhilagam 6th Floor,
Cheppakkam,
Chennai – 600 005.

3.The District Collector,
Madurai District.

... Respondents 2 and 3/
Respondents 1 and 2

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 30.09.2019 made in W.P(MD)No.19189 of 2017 on the file of this Court.

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For Appellant : Mr.S.Vinayak
Standing Counsel

For R – 1 : No appearance

For RR 2 & 3 : Mr.V.Om Prakash
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The writ order dated 30.09.2019 passed in W.P(MD)No.19189 of 2017 is under challenge in the present Writ Appeal.

2.The Writ Appeal has been filed by the Commissioner, Madurai Corporation.

3.The first respondent has instituted a Writ Petition seeking a direction to provide appointment on compassionate grounds by considering the representation dated 14.08.2017.



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4.The father of the first respondent was an employee in the Madurai Corporation and died on 31.10.1994 while in service. The first respondent submitted an application seeking compassionate appointment as prayed in the writ petition, on 14.08.2017, after a lapse of about 23 years from the date of death of the employee.

5.The learned standing counsel appearing for the appellant would submit that initially the daughter of the deceased employee had submitted an application in the year 1996. However, the said application was not pursued by the daughter, as she got married and settled. During the relevant point of time, when the deceased employee died, the first respondent was a minor and therefore, he was not eligible to seek appointment on compassionate grounds.

6.Compassionate appointment is a special scheme and violative of Articles 14 and 16 of the Constitution of India. Therefore, the scheme is to be implemented scrupulously by following the terms and conditions under the scheme. There is no selection process for compassionate appointment. No merit assessment has been made nor rule of reservation has been followed. Thus, the



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appointments on compassionate ground is to be granted strictly as per the scheme and any excess appointments on compassionate grounds would result in administrative inefficiency.

7. Therefore, the Courts have repeatedly held that compassionate appointment to be provided only to the deserving cases by assessing the indigent circumstances of the family of the deceased employee. The scheme is not intended to provide an appointment to every family of a deceased employee, but the object of the scheme is to mitigate the financial circumstances arising on account of a sudden death of an employee, who is in public service. The penurious circumstances is to be assessed based on various factors, including the income and other sources of the family. Efflux of time is also a ground to deny appointment on compassionate grounds.

8. In view of the above, this Court is of the considered opinion that the direction issued by the writ Court is running counter to the settled legal principles for providing appointment on compassionate grounds.



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9. Accordingly, the writ order dated 30.09.2019 passed in W.P(MD)No.19189 of 2017 is set aside and the Writ Appeal stands allowed. There shall be no as to costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S.,J.] & [A.D.M.C.,J.]
18.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

1. The Commissioner,
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Anna Maligai,
Madurai – 625 002.
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ORDER MADE IN
W.A(MD)No.1515 of 2019

DATED : 18.06.2025